

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

**KENNETH PRIDDY,**

**Plaintiff,**

**v.**

**ATLANTIC SPECIALTY  
INSURANCE COMPANY, *et al.*,**

**Defendants.**

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**CASE NO: 1:17-cv-00456-TLS-SLC**

**OPINION AND ORDER**

Before the Court is a complaint filed by Plaintiff Kenneth Priddy, alleging that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. (DE 1). As the party seeking to invoke federal diversity jurisdiction, Plaintiff bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop’n Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997).

Plaintiff alleges in his complaint that he is a citizen of Indiana. (DE 1 ¶¶ 3-4). He further alleges, upon information and belief, that Defendant Atlantic Specialty Insurance Company is “an insurance company” with its principal business address in Minnesota, and that Defendant Brentwood Services Administrators, Inc., is a Tennessee “corporate entity” with its principal business address in Tennessee. (DE 1 ¶¶ 5-6).

The first problem with Plaintiff’s complaint is that it premises his allegations about Defendants’ citizenship upon information and belief. “Allegations of federal subject matter jurisdiction may not be made on the basis of information and belief, only personal knowledge.” *Yount v. Shashek*, 472 F. Supp. 2d 1055, 1057 n.1 (S.D. Ill. 2006) (citing *Am.’s Best Inns, Inc. v. Best Inns of Abilene, L.P.*, 980 F.2d 1072, 1074 (7th Cir. 1992)); see *Ferolie Corp. v. Advantage*

*Sales & Mktg., LLC*, No. 04 C 5425, 2004 WL 2433114, at \*1 (N.D. Ill. Oct. 28, 2004); *Hayes v. Bass Pro Outdoor World, LLC*, No. 02 C 9106, 2003 WL 187411, at \*2 (N.D. Ill. Jan. 21, 2003).

Another problem is that Plaintiff does not allege whether Defendant Atlantic Specialty Insurance Company is a corporation or the state in which it was incorporated. *See N. Trust Co. v. Bunge Corp.*, 899 F.2d 591, 594 (7th Cir. 1990) (explaining that corporations are deemed to be citizens of the state in which they are incorporated *and* the state in which they have their principal place of business). And while Defendant Brentwood Services Administrators, Inc., presumably is a corporation, Plaintiff should say so, rather than referring to it rather vaguely as “a corporate entity.”

Accordingly, Plaintiff is granted to and including November 20, 2017, to file an amended complaint that properly alleges federal subject matter jurisdiction on the basis of diversity of citizenship.

SO ORDERED.

Entered this 6th day of November 2017.

/s/ Susan Collins  
Susan Collins  
United States Magistrate Judge